

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JOHN BAXLEY, JR., *et al.*,

Plaintiffs,

v.

**Civil Action No. 3:18-cv-01526
(Chambers, J.)**

BETSY JIVIDEN,

Defendant.

STIPULATION OF DISMISSAL OF COUNT II

Pursuant to Rule 41(a)(1)(A)(ii), Plaintiffs John Baxley, et al, by counsel, and Defendant Betsy Jividen, by counsel, hereby stipulate to the dismissal without prejudice of Count II of the 2nd Amended Complaint, which sets forth a claim under the Americans with Disabilities Act, 42 U.S.C. § 12132. The parties further stipulate that Defendant's pending Motion to Dismiss Count II (Dkt. No. 589), should be denied as moot.

Dated this 21st day of April, 2022.

Agreed to by:

/s/ Lydia C. Milnes

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